

AMENDMENTS

In the Claims

The following is a marked-up version of the claims with the language that is underlined (“ ”) being added and the language that contains strikethrough (“~~—~~”) being deleted:

1. (Canceled)
2. (Currently Amended) A method of adjusting transmit performance parameters over a digital subscriber line (DSL), the method performed in a first DSL modem, the method comprising the steps of:
 - negotiating, with a second DSL modem, a value for a first performance parameter;
 - receiving, from the second DSL modem, a signal exhibiting the first performance parameter;
 - determining a signal-to-noise-ratio for the received signal; and
 - requesting, from the second DSL modem, an adjustment in a second performance parameter associated with the received signal, wherein the second performance parameter is different from the first performance parameter.
3. (Currently Amended) The method of claim 2, further comprising the step of:
 - receiving, from the second DSL modem, a second signal exhibiting the first performance parameter and the adjustment in the second performance parameter.
4. (Previously Presented) The method of claim 2, wherein the second performance parameter is transmit power level.
5. (Previously Presented) The method of claim 2, wherein the second performance parameter is transmit data rate.

6. (Previously Presented) The method of claim 2, wherein said negotiating step is performed after the receiving step and before the determining step.
7. (Previously Presented) The method of claim 6, wherein said second performance parameter is transmit data rate and said first performance parameter is transmit power level.
8. (Previously Presented) The method of claim 6, wherein said second performance parameter is transmit power level and said first performance parameter is transmit data rate.
9. (Previously Presented) The method of claim 2, further comprising the step of:
selecting the second performance parameter from a plurality of possible performance parameters.
10. (Previously Presented) The method of claim 2, further comprising the step of:
repeating the receiving, determining and requesting steps until the first performance parameter of the received signal is marginally supported.
11. (Previously Presented) The method of claim 2, further comprising the step of:
repeating, using the negotiated value for the first performance parameter, the receiving, determining and requesting steps until the received signal marginally supports the adjustment to the second performance parameter.
12. (Previously Presented) The method of claim 2, wherein the received signal comprises a plurality of sub-bands, each sub-band transmitted at a transmit power level.
13. (Currently Amended) The method of claim 2, wherein receiving a signal, ~~from the DSL modem~~, is over a primary channel and requesting an adjustment, ~~from the DSL modem~~, is over a secondary channel.

14. (Previously Presented) A receiving digital subscriber line (DSL) modem comprising:
- means for receiving, from a transmitting DSL modem, a signal exhibiting a first performance parameter;
 - means for negotiating, with the transmitting DSL modem, a value for the first performance parameter;
 - means for determining a signal-to-noise-ratio for the received signal; and
 - means for requesting, from the transmitting DSL modem, an adjustment in a second performance parameter associated with the received signal, wherein the second performance parameter is different from the first performance parameter.
15. (Previously Presented) The receiving DSL modem of claim 14, wherein the second performance parameter is transmit power level.
16. (Previously Presented) The receiving DSL modem of claim 14, wherein the second performance parameter is transmit data rate.
17. (Canceled)
18. (Currently Amended) The receiving DSL modem of claim 14 ~~17~~, wherein said second performance parameter is transmit data rate and said first performance parameter is transmit power level.
19. (Currently Amended) The receiving DSL modem of claim 14 ~~17~~, wherein said second performance parameter is transmit power level and said first performance parameter is transmit data rate.
20. (Previously Presented) The receiving DSL modem of claim 14, further comprising:
- means for selecting the second performance parameter from a plurality of possible performance parameters.

21. (Currently Amended) The receiving DSL modem of claim 14, further comprising:
means for receiving, from the transmitting DSL modem, a signal comprising a plurality of sub-bands, each sub-band transmitted at a transmit power level; and
means for determining a signal-to-noise-ratio for a sub-band in the received signal.
22. (Previously Presented) A system for adjusting transmit performance parameters over a digital subscriber line (DSL) comprising:
means for negotiating, with a DSL modem, a criteria for a first performance parameter;
means for receiving, from the DSL modem, a signal exhibiting the first performance parameter;
means for determining a signal-to-noise-ratio for the received signal; and
means for requesting, from the DSL modem, an adjustment in a second performance parameter associated with the received signal, wherein the second performance parameter is different from the first performance parameter.
23. (Previously Presented) The system of claim 22, wherein the means for receiving comprises means for receiving a signal comprising a plurality of sub-bands, each sub-band transmitted at a transmit power level.
24. (Previously Presented) The system of claim 23, wherein the means for determining comprises means for determining a signal-to-noise-ratio for a sub-band of the received signal.
25. (Previously Presented) The system of claim 24, wherein the means for requesting comprises means for requesting an adjustment in the second performance parameter associated with the sub-band of the received signal.
26. (Previously Presented) The method of claim 12, wherein the determining step comprises determining a signal-to-noise-ratio for a sub-band of the received signal.

27. (Currently Amended) The method of claim 26 25, wherein the requesting step comprises requesting an adjustment in the second performance parameter associated with the sub-band of the received signal.
28. (New) The method of claim 22, wherein the criteria for the first performance parameter is a limiting criteria.
29. (New) The method of claim 2, wherein the value for the first performance parameter is a limiting value.
30. (New) The receiving DSL modem of claim 14, wherein the value for the first performance parameter is a limiting value.
31. (New) A method of adjusting transmit performance parameters over a digital subscriber line (DSL), the method performed in a first DSL modem, the method comprising the steps of:
negotiating, with a second DSL modem, a value for a first performance parameter;
receiving, from the second DSL modem, a signal exhibiting the first performance parameter, wherein the received signal comprises a plurality of sub-bands, each sub-band transmitted at a transmit power level;
determining a signal-to-noise-ratio for the received signal; and
requesting, from the second DSL modem, an adjustment in a second performance parameter associated with the received signal, wherein the second performance parameter is different from the first performance parameter.
32. (New) The method of claim 31, wherein the determining step comprises determining a signal-to-noise-ratio for a sub-band of the received signal.

33. (New) The method of claim 32, wherein the requesting step comprises requesting an adjustment in the second performance parameter associated with the sub-band of the received signal.
34. (New) The method of claim 31, further comprising the step of:
repeating the receiving, determining and requesting steps until the first performance parameter of the received signal is marginally supported.
35. (New) The method of claim 31, further comprising the step of:
repeating, using the negotiated value for the first performance parameter, the receiving, determining and requesting steps until the received signal marginally supports the adjustment to the second performance parameter.
36. (New) The method of claim 31, wherein the second performance parameter is transmit data rate.

37. (New) A receiving digital subscriber line (DSL) modem comprising:
- a demodulator in communication with the DSL;
 - a memory;
 - a central processing unit (CPU) in communication with the demodulator and the memory; and
 - a control program stored in the memory, the control program configured to:
 - negotiate, with a transmitting DSL modem, a value for a first performance parameter;
 - determine a signal-to-noise-ratio for a signal received from the transmitting modem, the signal exhibiting the first performance parameter; and
 - request, from the transmitting modem, an adjustment in a second performance parameter associated with the received signal, wherein the second performance parameter is different from the first performance parameter.
38. (New) The receiving DSL modem of claim 37, wherein the control program is further configured to select the second performance parameter from a plurality of possible performance parameters.
39. (New) The receiving DSL modem of claim 37, wherein the control program is further configured to determine a signal-to-noise-ratio for a sub-band in the received signal.
40. (New) The receiving DSL modem of claim 39, wherein the control program is further configured to request, from the transmitting modem, an adjustment in the second performance parameter associated with the sub-band of the received signal.